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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0135 – Howard Schain’s  
Rezoning

**Z.A.P. DATE:** November 15, 2011

**ADDRESS:** 6400 South 1<sup>st</sup> Street

**OWNERS:** Schain Properties (Howard Schain)

**AGENT:** Moncada Consulting  
(Phil Moncada)

**ZONING FROM:** GR-CO

**TO:** CS-1

**AREA:** 0.041 acres (1,790 sq.ft.)

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial-liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), indoor entertainment, indoor sports and recreation, and pawn shop services.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 15, 2011:

**ISSUES:**

None at this time.

**DEPARTMENT COMMENTS:**

The rezoning request is for a vacant lease space in a small retail center at the southwest corner of South First Street, an arterial and Eberhart Lane, a collector street. Existing uses within the retail center include a convenience store, a restaurant, personal services, and other uses. To the north, across Eberhart, is a credit union. To the east, across South First, is an auto repair/tire store and a convenience storage use. Multi-family residences are immediately adjacent to the retail center to the west and south. Behind the multi-family is a single family residential neighborhood. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant proposes commercial – liquor sales (CS-1) district zoning as a step toward occupying the lease space with a liquor sales use. Staff recommends the Applicant’s request given its location within a shopping center on the South First Street corridor which contains a mix of commercial uses. The Conditional Overlay continues to prohibit the seven land uses within the 1992 ordinance that are currently in the Code.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Retail center with printing and publishing, personal services, personal improvement services, restaurant, food sales
<i>North</i>	GR	Financial services
<i>South</i>	MF-2	Multi-family residences
<i>East</i>	GR-MU-CO-NP	General retail sales (general), Auto repair, Convenience storage
<i>West</i>	LR	Multi-family residences

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

- 26 – Far South Austin Community Association
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 1008 – Woodhue Community Neighborhood Watch
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1116 – Soft Wind Neighborhood Association
- 1173 – South Congress Combined Neighborhood Plan Contact Team
- 1187 – South Austin Neighbor Awareness Project
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1276 – South Congress Combined Neighborhood Plan Contact Team
- 1278 – Garrison Park Neighborhood Plan – COA Liaison
- 1340 – Austin Heritage Tree Foundation
- 511 – Austin Neighborhoods Council

**SCHOOLS:**

Odom Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0204 – R.I.T. Inc. – 6515 and 6520 South 1 <sup>st</sup> Street	LO to GR	To Deny	Approved LR-CO with the CO for 2,000 trips, prohibit access to King Edward Place, and the

09/13

			following uses: food sales, restaurants (limited and general), residential treatment and service station (4-23-09).
C14-05-0105 – Sweetbriar Neighborhood Planning Area Rezoning – Stassney Lane to the North; IH-35 to the east; William Cannon Drive on the south, South 1st Street on the west	Rezoning of 43 tracts of land	To Grant	Approved (8-18-05).
C14-03-0158 – A.A.A. Storage – 6509 South 1 <sup>st</sup> Street	GR; W/LO to W/LO	To Grant	Approved (1-15-04).

**RELATED CASES:**

The rezoning area is located on a portion of Lot 2 of Buckingham Place Commercial Area, which was platted in September 1969 as part of subdivision case C8s-69-141. Please refer to Exhibit B.

The subject property was rezoned from LR to GR-CO in 1992. City Council approved all three readings of Ordinance No. 920709-I on July 9, 1992. Please refer to Exhibit C. The Conditional Overlay includes the following restrictions:

1. Development of the Property as Restaurant (general) or Restaurant (limited) use shall be restricted to a maximum gross floor area of 3,000 square feet.
2. The following uses of the property shall be prohibited:
  - a. Automotive rentals,
  - b. Automotive repair services,
  - c. Automotive sales,
  - d. Automotive washing (self, automatic, or mechanical)
  - e. Restaurant (drive-in, fast food),
  - f. Indoor entertainment,
  - g. Indoor sports and recreation, and
  - h. Pawn shop services.

The subject property is located within the Garrison Park Planning Area, but the City planning process has not yet started for this community.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Class</b>	<b>Sidewalk</b>	<b>Bus Route</b>	<b>Bike Route</b>
South 1st Street	80 feet	Varies	Arterial (24,030, TXDOT 2010)	Yes, Both Sides	Capital Metro (route nos. 10, 110, and 484)	Shared Bike Lane

**CITY COUNCIL DATE:** December 15, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

*Exhibit A*

ZONING CASE#: C14-2011-0135



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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**EXHIBIT A**  
**NORTH**

BRADLEY

CS-110U-GO-NP

CS-MU-CO-NP

00-0100

1300

AUTOMOBILE

GR-MD-CO

TIRE SALES

SF-6-NP

GR

GR

MED OFFICE

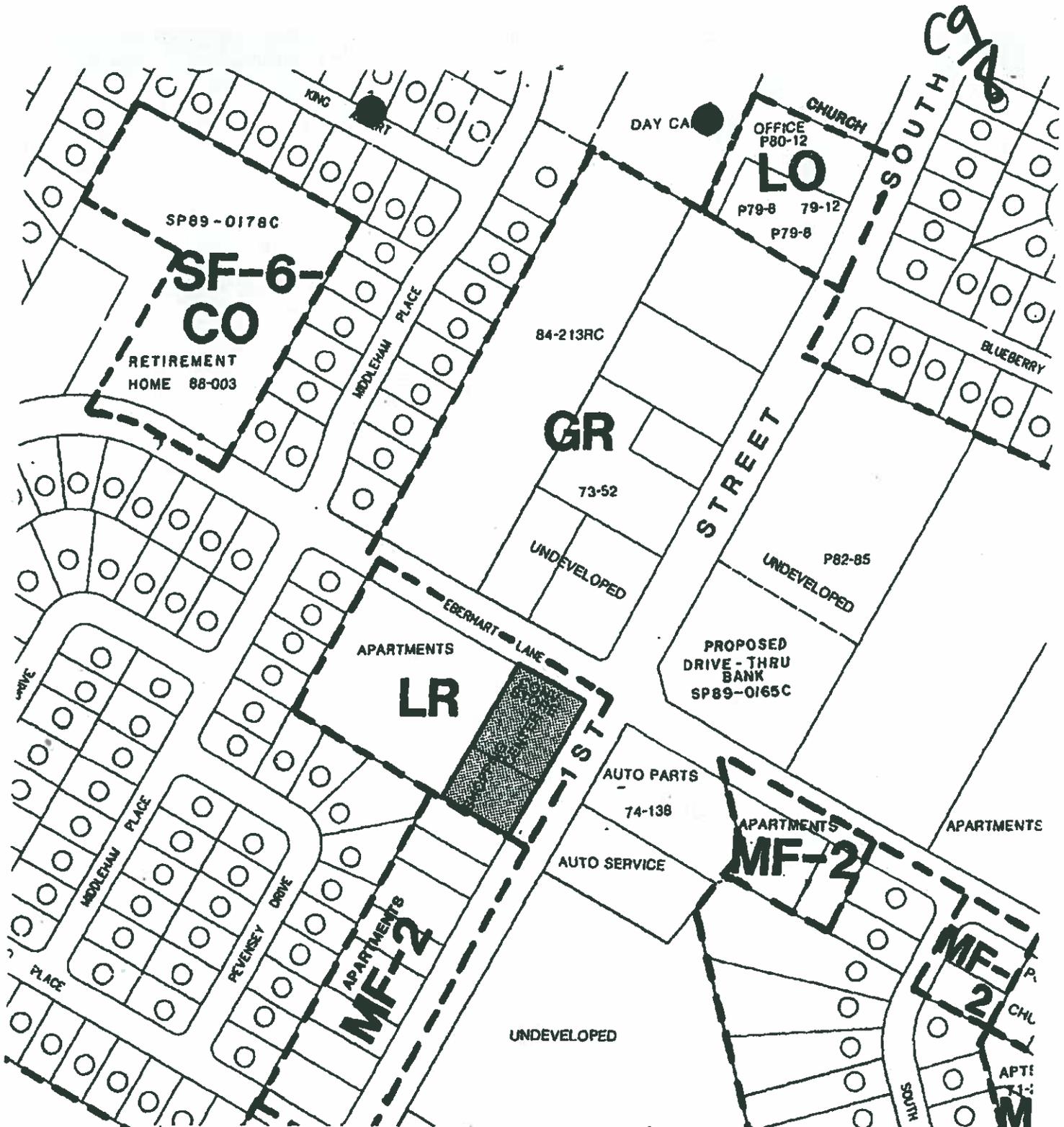
KING GEORGE DR

EBERHART DR

WILLIAM CANNON DR

WILLIAM CANNON DR





<p>NORTH</p>	Pending Case: .....	Subject Tract:	Grid
	Zoning Boundary: ---	Subject Acreage: .710	G-16
	Cycle 11/91 Intls. Joe A.	Street Address: 6400 South 1st Street	
	Case Manager: A. Reinmund	Case No: C14-91-0088	

80-96  
 CS-1

EXHIBIT C  
 1992 ORDINANCE

974

3

73-09

APARTMENTS

CONV. STORE  
 AUTO PARTS

GAS

ROLL

19  
9

ORDINANCE NO. 920709-I

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 0.1035 ACRE TRACT OF LAND, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 6400 SOUTH FIRST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** Chapter 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "LR" Neighborhood Commercial district to GR-CO Community Commercial district-Conditional Overlay combining district on the property described in File C14-91-0088, as follows:

0.1035 acre tract of land, said 0.1035 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes,

locally known as 6400 South First Street, in the City of Austin, Travis County, Texas.

**PART 2.** The property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property as Restaurant (general) or Restaurant (limited) use shall be restricted to a maximum gross floor area of 3,000 square feet.
2. The following uses of the Property shall be prohibited:
 

(a) Automotive rentals,	(e) Automotive washing (self service),
(b) Automotive repair services,	(i) Restaurant (drive-in, fast food),
(c) Automotive sales,	(f) Indoor entertainment,
(d) Automotive washing (automatic or mechanical),	(g) Indoor sports and recreation, and,
	(h) Pawn shop services.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial district base district and other applicable requirements of the Land Development Code.

**PART 3.** It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

**PART 4.** The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

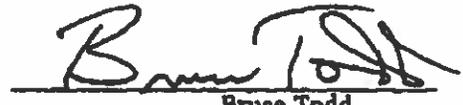
**PART 5.** That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.

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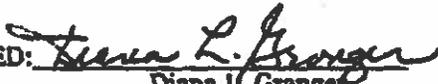
PASSED AND APPROVED:

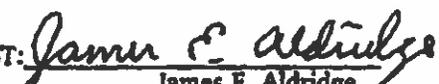
July 9 1992

5  
09  
07  
09  
03



Bruce Todd  
Mayor

APPROVED:   
Diana L. Granger  
City Attorney

ATTEST:   
James E. Aldridge  
City Clerk

9July92  
ME/lj

C9/11

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial-liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), indoor entertainment, indoor sports and recreation, and pawn shop services.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

*The applicant proposes a liquor store be located in the CS-1 rezoned space.*

2. *Zoning changes should be compatible with nearby uses and should not result in detrimental impacts to the neighborhood character.*

Staff recommends the Applicant's request given its location within a shopping center on the South First Street corridor which contains a mix of commercial uses. The Conditional Overlay continues to prohibit the seven land uses within the 1992 ordinance that are currently in the Code.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is a vacant lease space within a commercial shopping center. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
Single-Family (min. lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located on this property. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **Water / Wastewater Utility**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

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**Site Plan**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Because this site is within 540 feet of properties zoned SF-5 or more restrictive, it is subject to Article 10, Compatibility Standards.

Ensure that the development complies with all TABC requirements.

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0135  
Contact: Wendy Rhoades, (512) 974-7719  
Public Hearings: November 15, 2011, Zoning and Platting Commission  
December 15, 2011, City Council

Your Name (please print) NAVSIMAD H Khan

I am in favor  
 Object

Your address(es) affected by this application 6400 S 1st St Austin TX 78704

Daytime Telephone: 512.633-3875 Signature [Signature] Date \_\_\_\_\_

Comments: Having a liquor outlet will be damaging for the neighborhood. It would hurt my business significantly. I think we do not need another bar & liquor liquor outlet in the complex.

If you use this form to comment, it may be returned to:  
City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

6/15

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Public Hearings: November 15, 2011, Zoning and Platting Commission  
December 15, 2011, City Council

Louis Knox

Your Name (please print)

6407 Middlehern Place

Your address(es) affected by this application

Wendy Rhoades  
Signature

Signature

11-6-11  
Date

Daytime Telephone: [redacted]

Comments:

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Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

I am in favor  
 I object

6/12

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Contact: Wendy Rhoades, (512) 974-7719  
Public Hearings: November 15, 2011, Zoning and Platting Commission  
December 15, 2011, City Council

Susan Hinds Knox  
Your Name (please print)

I am in favor  
 I object

1407 Middleben Place  
Your address(es) affected by this application  
Susan Hinds Knox  
Signature  
11/5/11  
Date

Daytime Telephone: 971-8104

Comments:

No. 1 No. 1 No. 1

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\_\_\_\_\_  
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P. O. Box 1088  
Austin, TX 78767-8810